

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$46,030.00, more or less, in U.S. Currency

Defendant.

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CIVIL ACTION NO.: 09-0424-CG-N

ORDER OF FORFEITURE

This matter is before the court on plaintiff's Motion for Entry of Order of Forfeiture (Doc. 37). For cause shown, the motion is **GRANTED**.

On July 15, 2009, a complaint for forfeiture in rem was filed on behalf of the United States against the defendant, \$46,030.00, more or less, in U.S. Currency, to enforce Title 21, United States Code, Section 881(a)(6), which subjects to civil forfeiture all money or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of the Controlled Substances Act, all proceeds traceable to such an exchange, and all money used or intended to be used to facilitate any violation of the Controlled Substances Act. Process was fully issued in this action for the forfeiture of the defendant property under the complaint.

On August 19, 2009, Jacqueline "Jackie" Richardson, by and through her attorney, Donald M. Briskman, filed a timely claim and answer to the complaint.

Pursuant to the Warrant For Arrest in rem, the defendant, \$46,030.00, more or less, in U.S. Currency, was seized and arrested on July 20, 2009.

On November 5, 2010, the parties filed a Release and Settlement of All Claims and Stipulation and Consent to Entry of Order of Forfeiture. (Doc. 36) Pursuant to the terms of said settlement agreement, the parties agreed that \$13,638.13 of the defendant \$46,030.00 is to be forfeited to the United States of America for disposition in accordance with the law, pursuant to Title 21, United States Code, Sections 881(a)(6). The parties further agreed that \$32,168.13 of the defendant \$46,030.00 shall be returned to claimant, Jacqueline "Jackie" Richardson, by and through her attorney, Donald M. Briskman, 205 Church Street, Mobile, Alabama, 36602.¹

The plaintiff published notice of this action on an official government forfeiture internet site as authorized by Supplemental Rule G(4)(iv)(C) for 30 consecutive days beginning on July 11, 2009. (Doc. 4). Said published notice notified any unknown potential claimants that any claim to said currency had to be filed within 60 days of the first date of publication (July 11, 2009) and any motion under Rule 12 or answer within 20 days of filing the claim. (Doc. 4 at 4).

Supplemental Rule G(5)(ii)(B). As a result, any claim by such unknown potential claimants was due by September 20, 2009, and any Rule 12 motion or answer within 20 days thereafter, by October 12, 2009. No claims, motions or answers by unknown potential claimants were filed and the time for filing same has long since expired.

NOW, THEREFORE, the Court having considered the matter and having been fully advised in the premises, it is **ORDERED, ADJUDGED, AND DECREED** as follows:

1. This Court has jurisdiction over the subject matter, and the amended complaint states a claim upon which relief may be granted.

¹ The U.S. Marshals Service's incurred expenses totaling \$223.74, which the parties agree are to be subtracted from the \$46,030.00 before disbursement of the remaining \$45,806.26 to the parties.

2. The sum of \$13,638.13 of the defendant \$46,030.00 is forfeited to the United States of America for disposition according to law, and the remaining \$32,168.13 shall be returned to claimant, Jacqueline "Jackie" Richardson, by and through her attorney, Donald M. Briskman, 205 Church Street, Mobile, Alabama 36602.

3. Each party is to bear its own costs.

4. The balance of \$223.74 represents expenses of the U.S. Marshal's Service, which is to be paid to it before distribution to the parties.

5. This order resolving all matters and issues joined in this action, the clerk of court is direct to close this file for administrative and statistical purposes.

DONE and ORDERED this 5th day of November, 2010.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE